

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hugh R. Sharkey et al.                      Art Unit : Unknown  
Serial No. :    Examiner : Unknown  
Filed : November 14, 2003  
Title : METHOD FOR TREATING INTERVERTEBRAL DISC

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Under 35 USC §120, this application relies on the earlier filing date of the following applications:

Serial No. 10/388,609, filed March 17, 2003, Serial No. 09/707,627, filed, November 6, 2000, Serial No. 09/236,816, filed January 25, 1999, Serial No. 09/162,704 filed September 29, 1998, Serial No. 09/153,552 filed September 15, 1998, Serial No. 08/881,525, filed June 24, 1997, Serial No. 08/881,692, filed June 24, 1997, Serial No. 08/881,527, filed June 24, 1997, Serial No. 08/881,693, filed June 24, 1997, Serial No. 08/881,694, filed June 24, 1997, Serial No. 09/876,833, filed June 6, 2001, Serial No. 09/876,832, filed June 6, 2001, Serial No. 09/876,831, filed June 6, 2001, Serial No. 10/624,894, filed July 23, 2003, Serial No. 09/753,786, filed January 2, 2001, Serial No. 09/022,688, filed February 12, 1998, Serial No. 10/242,777, filed September 13, 2002, Serial No. 09/340,065, filed June 25, 1999, Serial No. 09/022,612, filed February 12, 1998, Serial No. 09/776,231, filed February 1, 2001, 09/776,186, filed February 1, 2001, Serial No. 09/272,806, filed March 19, 1999, Serial No. 09/884,859, filed June 18, 2001, Serial No. 09/792,628, filed February 22, 2001, Serial No. 09/664,473, filed September 18, 2000, Serial No. 08/696,051, filed August 13, 1996.

The cited references, except document HQ, were submitted to and/or cited by the Office in at least one of the prior applications, and, in accordance with 37 CFR § 1.98(d), copies of these documents are not being provided unless so requested by the Examiner. As document HQ is a U.S. patent, no copy is being provided (1276 OG 55).

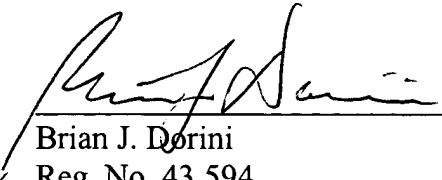
Applicant : Hugh R. Sharkey et al.  
Serial No. :  
Filed : November 14, 2003  
Page : 2 of 2

Attorney's Docket No.: 14170-038005 / 25-31-0050

This statement is being filed with the application, therefore, no fee is due. However, please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: November 14, 2003

  
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Substitute Form PTO-1449 (Modified)  <b>Information Disclosure Statement by Applicant</b> (Use several sheets if necessary)  (37 CFR §1.98(b))	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. <b>14170-038005</b>	Application No. <b>To be assigned</b>
	Applicant <b>Hugh R. Sharkey et al.</b>		
	Filing Date <b>November 14, 2003</b>	Group Art Unit <b>To be assigned</b>	

**U.S. Patent Documents**

Examiner Initial	Desig. ID	Patent Number	Issue Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	2,090,923	8/37	Wappler			
	AB	3,178,728	4/65	Christensen			
	AC	3,579,643	5/71	Morgan			
	AD	3,776,230	12/73	Neefe			
	AE	3,807,390	4/74	Ostrowski et al.			
	AF	3,856,015	12/74	Iglesias			
	AG	3,867,728	2/75	Substad et al.			
	AH	3,879,767	4/75	Substad			
	AI	3,886,600	6/75	Kahn et al.			
	AJ	3,938,198	2/76	Kahn et al.			
	AK	3,945,375	3/76	Banko			
	AL	3,987,499	10/76	Scharbach et al.			
	AM	3,992,725	11/76	Homsy			
	AN	4,043,342	8/97	Morrison, Jr.			
	AO	4,074,718	2/78	Morrison, Jr.			
	AP	4,085,466	4/78	Goodfellow et al.			
	AQ	4,129,470	12/78	Homsy			
	AR	4,134,406	1/79	Iglesias			

**Foreign Patent Documents or Published Foreign Patent Applications**

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AS	0 257 116 A1	3/88	EPO				
	AT	0 274 705 A1	7/88	EPO				
	AU	0 479 482 A1	4/92	EPO				
	AV	0 521 595 A2	1/93	EPO				
	AW	0 542 412 A1	5/93	EPO				

**Other Documents (include Author, Title, Date, and Place of Publication)**

Examiner Initial	Desig. ID	Document
	AX	

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	BA	4,224,696	9/80	Murray et al.			
	BB	4,224,697	9/80	Murray et al.			
	BC	4,326,529	4/82	Doss et al.			
	BD	4,344,193	8/82	Kenny			
	BE	4,362,160	12/82	Hiltebrandt			
	BF	4,378,220	3/83	Matvias			
	BG	4,381,007	4/83	Doss			
	BH	4,397,314	8/83	Vaguine			
	BI	4,405,314	9/83	Cope			
	BJ	4,476,862	10/84	Pao			
	BK	4,483,338	11/84	Bloom et al.			
	BL	4,517,965	5/85	Ellison			
	BM	4,517,975	5/85	Garito et al.			
	BN	4,590,934	5/86	Malis et al.			
	BO	4,593,691	6/86	Lindstrom et al.			
	BP	4,597,379	7/86	Kihn et al.			
	BQ	4,601,705	7/86	McCoy			
	BR	4,651,734	3/87	Doss et al.			

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Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	BS	0 558 297 A2	9/93	EPO				
	BT	0 566 450 A1	10/93	EPO				
	BU	0 572 131 A1	12/93	EPO				
	BV	0 682 910 A1	11/95	EPO				
	BW	0 479 482 B1	5/96	EPO				

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	CA	4,737,146	4/88	Amaki et al.			
	CB	4,811,733	3/89	Borsanyi et al.			
	CC	4,815,462	3/89	Clark			
	CD	4,838,859	6/89	Strassmann			
	CE	4,846,175	7/89	Frimberger			
	CF	4,873,976	10/89	Schreiber			
	CG	4,894,063	1/90	Nashef			
	CH	4,895,148	1/90	Bays et al.			
	CI	4,907,585	3/90	Schachar			
	CJ	4,907,589	3/90	Cosman			
	CK	4,924,865	5/90	Bays et al.			
	CL	4,944,727	7/90	McCoy			
	CM	4,950,234	8/90	Fujioka et al.			
	CN	4,955,882	9/90	Hakky			
	CO	4,966,597	10/90	Cosman			
	CP	4,976,709	12/90	Sand			
	CQ	4,976,715	12/90	Bays et al.			
	CR	4,998,933	3/91	Eggers et al.			

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							Yes	No
	CS	0 729 730 A1	9/96	EPO				
	CT	0 737 487 A2	10/96	EPO				
	CU	0 783 903 A1	7/97	EPO				
	CV	1,122,634	9/56	France				
	CW	2,645,008	3/89	France				

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	DA	5,007,908	4/91	Rydell			
	DB	5,009,656	4/91	Reimels			
	DC	5,085,657	2/92	Ben-Simhon			
	DD	5,085,659	2/92	Rydell			
	DE	5,098,430	3/92	Fleenor			
	DF	5,100,402	3/92	Fan			
	DG	5,103,804	4/92	Abele et al.			
	DH	5,114,402	5/92	McCoy			
	DI	5,129,889	7/92	Hahn et al.			
	DJ	5,152,748	10/92	Chastagner			
	DK	5,178,620	1/93	Eggers et al.			
	DL	5,186,181	2/93	Franconi et al.			
	DM	5,191,883	3/93	Lennox et al.			
	DN	5,192,267	3/93	Shapira et al.			
	DO	5,201,729	4/93	Hertzmann et al.			
	DP	5,201,730	4/93	Easley et al.			
	DQ	5,201,731	4/93	Hakky			
	DR	5,213,097	5/93	Zeindler			

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							Yes	No
	DS	35 111 07	10/86	Germany				
	DT	36 321 97	3/88	Germany				
	DU	5-42166	5/93	Japan				
	DV	637118	12/78	USSR				
	DW	1,340,451	12/73	UK				
	DX	2,164,473	3/86	UK				

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	EA	5,230,334	7/93	Klopotek			
	EB	5,242,439	9/93	Larsen et al.			
	EC	5,242,441	9/93	Avirall			
	ED	5,261,906	11/93	Pennino et al.			
	EE	5,267,994	12/93	Gentelia et al.			
	EF	5,275,151	1/94	Shockey et al.			
	EG	5,279,559	1/94	Barr			
	EH	5,284,479	2/94	de Jong			
	EI	5,304,169	4/94	Sand			
	EJ	5,308,311	5/94	Eggers et al.			
	EK	5,311,858	5/94	Adair			
	EL	5,320,115	6/94	Kenna			
	EM	5,323,778	6/94	Kandarpa et al.			
	EN	5,334,193	8/94	Nardella			
	EO	5,342,357	8/94	Nardella			
	EP	5,345,945	9/94	Hodgson et al.			
	EQ	5,348,554	9/94	Imran et al.			
	ER	5,352,868	10/94	Denen et al.			

### Foreign Patent Documents or Published Foreign Patent Applications

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	ES	WO 85/02762	7/85	WIPO				
	ET	WO 92/05828	4/92	WIPO				
	EU	WO 92/10142	6/92	WIPO				
	EV	WO 93/01774	2/93	WIPO				
	EW	WO 93/16648	9/93	WIPO				
	EX	WO 93/20984	10/93	WIPO				

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	FA	5,354,331	10/94	Schachar			
	FB	5,364,395	11/94	West, Jr.			
	FC	5,366,443	11/94	Eggers et al.			
	FD	5,366,490	11/94	Edwards et al.			
	FE	5,382,247	1/95	Cimino et al.			
	FF	5,389,100	2/95	Bacich et al.			
	FG	5,397,304	3/95	Truckai			
	FH	5,401,272	3/95	Perkins			
	FI	5,415,633	5/95	Lazarus et al.			
	FJ	5,423,806	6/95	Dale et al.			
	FK	5,433,739	7/95	Sluijter et al.			
	FL	5,437,661	8/95	Rieser			
	FM	5,437,662	8/95	Nardella			
	FN	5,451,223	9/95	Ben-Simhon			
	FO	5,458,596	10/95	Lax et al.			
	FP	5,464,023	11/95	Viera			
	FQ	5,465,737	11/95	Schachar			
	FR	5,484,403	1/96	Yoakum et al.			

### Foreign Patent Documents or Published Foreign Patent Applications

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	FS	WO 95/01814	1/95	WIPO				
	FT	WO 95/13113	5/95	WIPO				
	FU	WO 95/18575	7/95	WIPO				
	FV	WO 95/20360	8/95	WIPO				
	FW	WO 95/25471	9/95	WIPO				
	FX	WO 95/30373	11/95	WIPO				

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	GA	5,484,432	1/96	Sand			
	GB	5,484,435	1/96	Fleenor et al.			
	GC	5,487,757	1/96	Truckai et al.			
	GD	5,498,258	3/96	Hakky et al.			
	GE	5,500,012	3/96	Brucker et al.			
	GF	5,507,812	4/96	Moore			
	GG	5,514,130	5/96	Baker			
	GH	5,524,338	6/96	Martyniuk et al.			
	GI	5,527,331	6/96	Kresch et al.			
	GJ	5,542,920	8/96	Cherif Cheikh			
	GK	5,569,242	10/96	Lax et al.			
	GL	5,599,346	2/97	Edwards et al.			
	GM	5,630,839	5/97	Corbett, III, et al.			
	GN	5,681,282	10/97	Eggers et al.			
	GO	5,683,366	11/97	Eggers et al.			
	GP	5,688,270	11/97	Yates et al.			
	GQ	5,697,909	12/97	Eggers et al.			
	GR	5,718,702	2/98	Edwards			

### Foreign Patent Documents or Published Foreign Patent Applications

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	GS	WO 95/30377	11/95	WIPO				
	GT	WO 95/34259	12/95	WIPO				
	GU	WO 96/11638	4/96	WIPO				
	GV	WO 96/32051	10/96	WIPO				
	GW	WO 96/32885	10/96	WIPO				
	GX	WO 96/34559	11/96	WIPO				

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	HB	5,810,809	9/98	Rydell			
	HC	5,874,500	2/99	Rhee et al.			
	HD	5,888,220	3/99	Felt et al.			
	HE	5,980,504	11/99	Sharkey et al.			
	HF	6,007,570	12/99	Sharkey et al.			
	HG	6,073,051	6/00	Sharkey et al.			
	HH	6,095,149	8/00	Sharkey et al.			
	HI	6,099,514	8/00	Sharkey et al.			
	HJ	6,122,549	9/00	Sharkey et al.			
	HK	6,126,682	10/00	Sharkey et al.			
	HL	6,176,857	1/2001	Ashley			
	HM	6,258,086	7/2001	Ashley et al.			
	HN	6,264,650	7/2001	Hovda et al.			
	HO	6,283,961	9/2001	Underwood et al.			
	HP	6,350,262	2/2002	Ashley			
	HQ	5,486,161	1/23/96	Lax et al.			
	HR						

### Foreign Patent Documents or Published Foreign Patent Applications

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							Yes	No
	HS	WO 96/34568	11/96	WIPO				
	HT	WO 96/34571	11/96	WIPO				
	HU	WO 96/39914	12/96	WIPO				
	HV	WO 97/06855	2/97	WIPO				
	HW	WO 97/07468	2/98	WIPO				
	HX	WO 98/17190	4/98	WIPO				

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	IA	Trimedyn, The Less Invasive Laser Advantage, Omni Spinal Introduction System.
	IB	PRNewswire ( Dec. 12, 1994), Two Physicians Perform First Outpatient Cervical Disc Procedure Using Laser Technology.
	IC	Introduction to the LDD Disc Kit, Oct. 16, 1996.
	ID	Mayer et al., Lasers in Percutaneous Disc Surgery: Beneficial Technology or Gimmick?, vol. 25 No. 251 (1993) pp. 38-44.
	IE	Schatz et al., Preliminary Experience With Percutaneous Laser Disc Decompression in the Treatment of Sciatica, vol. 38 No. 5, Oct. 1995, pp. 432-436.
	IF	Savitz M. A., Same-day Microsurgical Arthroscopic lateral-approach Laser-assisted (SMALL) Fluoroscopic Discectomy, vol. 80, Jun. 1994 pp. 1039-1045.
	IG	Bosacco et al., Functional Results of Percutaneous Laser Discectomy, Dec. 1996, pp. 825-828.
	IH	Sluijter M.E., The Use of Radiofrequency lesions For Pain Relief in Failed Back Patients, vol. 10 No. 1 (1988).
	II	Cosman et al., Theoretical Aspects of Radiofrequency lesions in the Dorsal Root Entry Zone, vol. 15 No. 6 (1984) pp. 945-950.
	IJ	Wilkins et al., Neurosurgery: Method of Making Nervous System Lesions, ch. 337, pp. 2490-2499.
	IK	Yonezawa et al., The System and Procedure of percutaneous Intradiscal Laser Nucleotomy, vol. 15 No. 5 (1990) pp. 1175-1185.
	IL	Gottlob et al., Lasers in Surgery and Medicine: Holmium:YAG Laser Ablation of Human Intervertebral Disc: Preliminary Evaluation, vol. 12, (1991) pp. 86-91.
	IM	Buchelt et al., Laser in Surgery and Medicine: Fluorescence Guided Excimer Laser Ablation of Intervertebral Discs In Vitro, vol. 11, (1991) pp. 280-286.
	IN	Choy et al., Percutaneous Laser Disc Decompression: A New Therapeutic Modality, vol. 17 No. 8, (1992) pp. 949-956.
	IO	Sluijter et al., Persistent Pain, Modern Methods of Treatment: Treatment of Chronic Back and neck Pain, vol. 3, (1981) pp. 141-179.
	IP	Sluijter, Int Disabil Studies: The use of Radio Frequency Lesions For Pain Relief in Failed Back, vol. 10, Sep. 4, 1996, pp. 141-179.
	IQ	Shatz et al., CJS JCC Preliminary Experience With Percutaneous Laser Disc Decompression in the Treatment of Sciatica, vol. 38 No. 5, Oct. 1995 pp. 432-436.
	IR	Sluyter, Radiofrequency Lesions in the Treatment of Cervical Pain Syndromes, Radionics, Inc. (1989).
	IS	Kelly L.E., Purification and Properties of a 23kDa Ca <sup>2+</sup> -binding Protein, (1990) 271, pp. 661-666.
	IT	Gehring W. J., Exploring the Homeobox, (1993), pp. 215-221.
	IU	Buchelt et al., Lasers in Surgery and Medicine: Erb:YAG and Hol:YAG Laser Ablation of Meniscus and Intervertebral Discs, vol. 12 No. 4, (1992) pp. 375-381.
	IV	Leu et al., Der Orthopade: Endoskopie der Wirbelsaule: Minimal-invasive Therapie, vol. 21, (1992) pp. 267-272.
	IW	Phillips et al., JMRI: MR Imaging of Ho: YAG Laser Discectomy with Histologic Correlation, vol. 3 No. 3, May/Jun. 1993.

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Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-038005	Application No. To be assigned
<b>Information Disclosure Statement by Applicant</b> (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Hugh R. Sharkey et al.	
		Filing Date November 14, 2003	Group Art Unit To be assigned

**Other Documents (include Author, Title, Date, and Place of Publication)**

Examiner Initial	Desig. ID	Document
	KA	Vorwerck et al., Laserablation des Nucleus Pulposus: Optische Eigenschaften von Degeneriertem Bandscheibengewebe im Wellenlangenbereich von 200 bis 2200 nm, vol. 151 No. 6, (1989) pp. 725-728.
	KB	"Answer and Counterclaim of Defendant TYCO HEALTHCARE GROUP LP in Civil Action No. 01-558" (U.S. District Court, District of Columbia)

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